#### MERCHANT & GOULD P.C.

#### **United States Patent Application**

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: SPINAL ACCESS INSTRUMENT The specification of which a. X is attached hereto (if applicable) (in the case of a PCT-filed application) and was amended on b. was filed on as application serial no. described and claimed in international no. and as amended on (if any), which I have reviewed and for which I solicit a filed United States patent. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed: a. \( \sqrt{\operation} \) no such applications have been filed. b. such applications have been filed as follows: FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119 **DATE OF ISSUE** COUNTRY APPLICATION NUMBER DATE OF FILING (day, month, year) (day, month, year) ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S) **COUNTRY** APPLICATION NUMBER DATE OF FILING DATE OF ISSUE

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

(day, month, year)

(day, month, year)

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/455,062	13 MARCH 2003

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

### § 1.56 Duty to disclose information material t patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
  - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application:
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Ali, M. Jeffer	Reg. No. 46,359		
Altera, Allan G.	Reg. No. 40,274	Lauer, Deakin T.	Reg. No. 47,892
Anderson, Gregg I.	Reg. No. 28,828	Leach III, Thomas J.	Reg. No. P-53,188
Batzli, Brian H.	Reg. No. 32,960	Leonard, Christopher J.	Reg. No. 41,940
Beard, John L.	Reg. No. 27,612	Lewis, George C.	Reg. No. 53,214
Berns, John M.	Reg. No. 43,496	Liepa, Mara E.	Reg. No. 40,066
Blackburn, Murrell W.	Reg. No. 50,881	McDonald, Daniel W.	Reg. No. 32,044
	Reg. No. 51,488	McIntyre, Jr., William F.	Reg. No. 44,921
Bortolotti, Rebecca	Reg. No. 41,633	Mueller, Douglas P.	Reg. No. 30,300
Branch, John W. Brown, Jeffrey C.	Reg. No. 41,643	Nelson, Anna M.	Reg. No. 48,935
Bruess, Steven C.	Reg. No. 34,130	Parsons, Nancy J.	Reg. No. 40,364
	Reg. No. 35,836	Pauly, Daniel M.	Reg. No. 40,123
Burke, John E.	Reg. No. 32,404	Peterson, Kyle T.	Reg. No. 46,989
Byrne, Linda M.	Reg. No. 30,247	Phillips, John B.	Reg. No. 37,206
Clifford, John A.	Reg. No. 48,649	Pino, Mark J.	Reg. No. 43,858
Cook, Jeffrey	Reg. No. 25,968	Qualey, Terry	Reg. No. 25,148
Daignault, Ronald A.	Reg. No. 34,994	Randall, Joshua N.	Reg. No. 50,719
Daley, Dennis R.	Reg. No. 52,471	Reich, John C.	Reg. No. 37,703
Daley, William J.	Reg. No. 36,414	Reiland, Earl D.	Reg. No. 25,767
Daulton, Julie R.		Roath, Paul D.	Reg. No. 45,045
DeVries Smith, Katherine M.	Reg. No. 42,157	Schmaltz, David G.	Reg. No. 39,828
DiPietro, Mark J.	Reg. No. 28,707	Schuman, Mark D.	Reg. No. 31,197
Doscotch, Matthew A.	Reg. No. 48,957	Schumann, Michael D.	Reg. No. 31,197 Reg. No. 30,422
Edell, Robert T.	Reg. No. 20,187	Scull, Timothy B.	Reg. No. 42,137
Epp Ryan, Sandra	Reg. No. 39,667	•	•
Fitzsimmons, Karen A.	Reg. No. 50,470	Sebald, Gregory A.	Reg. No. 33,280
Gadiano, Christina M.	Reg. No. 37,628	Skoog, Mark T.	Reg. No. 40,178
Gaffney, Matthew M.	Reg. No. 46,717	Sorge, Keith M.	Reg. No. 50,865
Goggin, Matthew J.	Reg. No. 44,125	Stewart, Alan R.	Reg. No. 47,974
Golla, Charles E.	Reg. No. 26,896	Stoll-DeBell, Kirstin L.	Reg. No. 43,164
Gorman, Alan G.	Reg. No. 38,472	Sullivan, Timothy	Reg. No. 47,981
Gotfredson, Garen J.	Reg. No. 44,722	Swenson, Erik G.	Reg. No. 45,147
Gould, John D.	Reg. No. 18,223	Tellekson, David K.	Reg. No. 32,314
Gregson, Richard	Reg. No. 41,804	Trembath, Jon R.	Reg. No. 38,344
Gresens, John J.	Reg. No. 33,112	Underhill, Albert L.	Reg. No. 27,403
Haack, John L.	Reg. No. 36,154	Vidovich, Kristin K.	Reg. No. 41,448
Hamre, Curtis B.	Reg. No. 29,165	Wahl, John R.	Reg. No. 33,044
Hennings, Mark	Reg. No. 48,982	Welter, Paul A.	Reg. No. 20,890
Hertzberg, Brett A.	Reg. No. 42,660	Wiegand, Jamie	Reg. No. 52,361
Hillson, Randall A.	Reg. No. 31,838	Wier, David D.	Reg. No. 48,229
Hope, Leonard J.	Reg. No. 44,774	Williams, Douglas J.	Reg. No. 27,054
Hornsby, III, Alton	Reg. No. 47,299	Withers, James D.	Reg. No. 40,376
Jacobson, Charles A.	Reg. No. 53,061	Wong, Bryan A.	Reg. No. 50,836
Johns, Nicholas P.	Reg. No. 48,995	Xia, Tim Tingkang	Reg. No. 45,242
Johnston, Scott W.	Reg. No. 39,721	Zeuli, Anthony R.	Reg. No. 45,255
Kalinsky, Robert A.	Reg. No. 50,471		
Kelly, Zachary J.	Reg. No. 53,108		
Kettelberger, Denise	Reg. No. 33,924		
Keys, Jeramie J.	Reg. No. 42,724		
Knearl, Homer L.	Reg. No. 21,197		
Korver, Joshua W.	Reg. No. 51,894		
Kowalchyk, Alan W.	Reg. No. 31,535		
Kowalchyk, Katherine M.	Reg. No. 36,848		
Lamberty, Michael	Reg. No. 50,760		
Larson, James A.	Reg. No. 40,443		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name EMSTAD	First Given Name ERIK		Second Given Name E.
0	Residence & Citizenship	City	State or Foreign Country MINNESOTA		Country of Citizenship USA
1	Mailing Address	Address 456 WHEELER STREET	City ST. PAUL		State & Zip Code/Country MINNESOTA 55104/USA
Signa	ature of Inventor 20	01:		Date:	
2	Full Name Of Inventor	Family Name ROBBINS	First Given Name DANIEL		Second Given Name
0	Residence & Citizenship	City NORTH BENNINGTON	State or Foreign Country VERMONT		Country of Citizenship USA
2	Mailing Address	Address 527 WEST STREET	City NORTH BENNINGTON	:	State & Zip Code/Country NERMONT 05257/USA
Sign	ature of Inventor-20	02:		Date:	7/03

### MERCHANT & GOULD P.C.

### **United States Patent Application**

# COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: SPINAL ACCESS INSTRUMENT

INSTRUMENT					
The specification of wha. is attached hereto b. was filed on a described and claimed is United States patent.	as application serial no. and was amen		the case of a PCT-filed application) I have reviewed and for which I solicit a		
I hereby state that I have any amendment referred		f the above-identified specific	cation, including the claims, as amended l		
I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:  a.   no such applications have been filed.  b.  such applications have been filed as follows:					
	FOREIGN APPLICATION(S), IF ANY,	CLAIMING PRIORITY UNDER	. 35 USC § 119		
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)		
	ALL FOREIGN APPLICATION(S), IF ANY,	FILED BEFORE THE PRIORITY	APPLICATION(S)		
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  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
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I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

All, M. Jeffer Altera, Allan G. Anderson, Gregg I. Reg. No. 40,274 Anderson, Gregg I. Reg. No. 28,828 Baztil, Brian H. Reg. No. 25,2960 Beard, John L. Reg. No. 27,612 Berns, John M. Reg. No. 27,612 Berns, John M. Reg. No. 30,3496 Blackburn, Murrell W. Reg. No. 50,881 Brottoletti, Rebecca Reg. No. 51,488 Brottoletti, Rebecca Reg. No. 51,488 Brottoletti, Rebecca Reg. No. 41,633 Mueller, Douglas P. Reg. No. 44,921 Branch, John W. Reg. No. 44,643 Branch, John W. Reg. No. 44,643 Branch, John W. Reg. No. 41,633 Mueller, Douglas P. Reg. No. 40,4921 Branch, John W. Reg. No. 41,633 Mueller, Douglas P. Reg. No. 40,4921 Branch, John W. Reg. No. 30,300 Bruess, Steven C. Reg. No. 34,130 Parsons, Nancy J. Reg. No. 40,8935 Bruess, Steven C. Reg. No. 35,316 Bruess, Steven C. Reg. No. 30,304 Peterson, Kyle T. Reg. No. 40,4921 Byrne, Linda M. Reg. No. 30,247 Chifford, John A. Reg. No. 30,247 Phillips, John B. Reg. No. 30,247 Phillips, John B. Reg. No. 43,864 Pino, Mark J. Reg. No. 43,934 Daley, Demis R. Reg. No. 43,994 Randali, Joshua N. Reg. No. 43,994 Randali, Joshua N. Reg. No. 30,719 Daley, William J. Reg. No. 52,471 Reich, John C. Reg. No. 37,703 Dalleto, Judie R. Reg. No. 48,957 Schuman, Mark J. Reg. No. 49,915 Reg. No. 40,123 Reg. No. 40,124 Reg. No. 41,125 Reg. No. 41,125 Reg. No. 40,124 Reg. No. 41,125 Reg. No. 41	. 1. 3.6 7.60	Dec No. 46 250		
Anderson, Gregg I.  Reg. No. 28,828 Batzli, Brian H.  Reg. No. 22,960 Batzli, Brian H.  Reg. No. 27,612 Berns, John M.  Reg. No. 43,496 Berns, John M.  Reg. No. 43,496 Berns, John M.  Reg. No. 43,496 Blackburn, Murrell W.  Reg. No. 50,881 McDonald, Daniel W.  Reg. No. 32,044 Bortolotti, Rebecca Reg. No. 51,488 McIntyre, Jr., William F.  Reg. No. 44,921 Branch, John W.  Reg. No. 44,643 Brown, Jeffrey C.  Reg. No. 44,1633 Robert, Pouglas P.  Reg. No. 44,921 Reg. No. 44,130 Brown, Jeffrey C.  Reg. No. 41,643 Robert, Pouglas P.  Reg. No. 40,364 Reg. No. 43,130 Parsons, Nancy J.  Reg. No. 40,364 Burke, John E.  Reg. No. 32,044 Parsons, Nancy J.  Reg. No. 40,364 Burke, John E.  Reg. No. 32,044 Peterson, Kyle T.  Reg. No. 40,364 Reg. No. 40,364 Peterson, Kyle T.  Reg. No. 40,384 Pouglant, Ronald A.  Reg. No. 30,247 Phillips, John B.  Reg. No. 43,858 Daignault, Ronald A.  Reg. No. 34,994 Paley, Demis R.  Reg. No. 44,994 Paley, Demis R.  Reg. No. 36,414 Daley, Demis R.  Reg. No. 36,414 Dalloy, Milliam J.  Reg. No. 52,471 Rej. No. 50,411 Dallon, Julic R.  Reg. No. 36,414 Dallon, Julic R.  Reg. No. 36,414 Differto, Mark J.  Reg. No. 36,414 Rejland, Earl D.  Reg. No. 25,471 Rej. No. 36,414 Differto, Mark J.  Reg. No. 37,035 Schmaltz, David G.  Reg. No. 39,828 Descotch, Matthew A.  Reg. No. 28,707 Schmaltz, David G.  Reg. No. 39,828 Reg. No. 30,422 Exp Ryan, Sandra  Reg. No. 30,472 Schmaltz, David G.  Reg. No. 30,412 Schmaltz, David G.  Reg. No. 30,412 Reg. No. 30,414 Rej. No. 36,414 Rej. No. 41,414 Rej. No. 41,414 Rej. No. 41,414 Rej. No. 42,415 Reg. No. 30,414 Rej. No. 28,411 Rej. No. 30,414 Rej. No. 28,411 Rej. No. 30,414 Rej. No. 28,411 Rej. No. 28,411 Rej. No. 30,414 Rej. N	Ali, M. Jeffer	Reg. No. 46,359	Lauer Deakin T	Reg No 47 892
Batzil, Brian H.   Reg. No. 32,960   Leonard, Christopher J.   Reg. No. 41,940   Beard, John L.   Reg. No. 77,612   Lewis, Giorge C.   Reg. No. 53,214   Reg. No. 51,488   McDonald, Daniel W.   Reg. No. 30,881   McDonald, Daniel W.   Reg. No. 30,081   McDonald, Daniel W.   Reg. No. 30,081   McDonald, Daniel W.   Reg. No. 34,045   Reg. No. 14,633   McDonald, Daniel W.   Reg. No. 44,921   Reg. No. 41,633   McDonald, Daniel W.   Reg. No. 44,921   Reg. No. 41,633   McDonald, Daniel W.   Reg. No. 44,921   Reg. No. 41,633   McDonald, Daniel W.   Reg. No. 44,921   Reg. No. 40,364   Reg. No. 32,044   Reg. No. 32,045   Reg. No. 30,247   Phillips, John B.   Reg. No. 37,026   Reg. No. 48,649   Pino, Mark J.   Reg. No. 43,858   Daignault, Ronald A.   Reg. No. 32,494   Reg. No. 25,968   Daignault, Ronald A.   Reg. No. 34,994   Randall, Joshua N.   Reg. No. 37,026   Reg. No. 34,994   Randall, Joshua N.   Reg. No. 37,073   Reg. No. 36,414   Rejland, Earl D.   Reg. No. 25,767   Reg. No. 48,957   Schuman, Mark D.   Reg. No. 25,767   Schmalz, David G.   Reg. No. 36,405   Reg. No. 28,707   Schmalz, David G.   Reg. No. 39,828   Reg. No. 39,667   Schuman, Mark D.   Reg. No. 39,667   Schuman, Mark D.   Reg. No. 39,667   Schuman, Mark D.   Reg. No. 37,628   Schuman, Mark D.   Reg. No. 37,628   Schuman, Mark D.   Reg. No. 37,628   Schuman, Mark D.   Reg. No. 30,472   Schuman, Michael D.   Reg. No. 33,494   Reg. No. 34,994   Reg.		•	•	<del>-</del>
Beard, John L   Reg. No. 27,612   Lewis, George C.   Reg. No. 52,214   Berns, John M.   Reg. No. 34,3496   Liepa, Mara E.   Reg. No. 40,066   Reg. No. 50,881   McDonald, Daniel W.   Reg. No. 40,066   Reg. No. 51,488   McDonald, Daniel W.   Reg. No. 43,044   Reg. No. 14,633   Mueller, Douglas P.   Reg. No. 44,925   Rorach, John W.   Reg. No. 41,643   Melntyre, Jr., William F.   Reg. No. 30,300   Rrown, Jeffrey C.   Reg. No. 44,163   Nelson, Anna M.   Reg. No. 48,935   Rruses, Steven C.   Reg. No. 34,130   Parsons, Nancy J.   Reg. No. 40,364   Rule, John E.   Reg. No. 35,836   Pauly, Daniel M.   Reg. No. 40,123   Rule, John E.   Reg. No. 30,247   Phillips, John B.   Reg. No. 40,984   Rule, John E.   Reg. No. 30,247   Phillips, John B.   Reg. No. 40,849   Reg. No. 40,844   Reg. No. 25,968   Qualey, Terry   Reg. No. 43,835   Reg. No. 25,968   Qualey, Terry   Reg. No. 43,835   Reg. No. 50,719   Daulton, Julie R.   Reg. No. 34,994   Randall, Joshua N.   Reg. No. 50,710   Daulton, Julie R.   Reg. No. 36,414   Reland, Earl D.   Reg. No. 52,471   Reich, John C.   Reg. No. 37,703   Reg. No. 28,707   Schmalte, David Mark D.   Reg. No. 28,707   Schmalth Wark D.   Reg. No. 39,828   Reg. No. 28,707   Schmalte, David G.   Reg. No. 30,422   Reg. No. 20,187   Schmann, Michael D.   Reg. No. 30,422   Reg. No. 30,422   Reg. No. 30,423   Reg. No. 30,424   Reg. No. 30,425   Reg. No. 30,425   Reg. No. 30,425   Reg. No. 30,425   Reg. No. 30,427   Reg. No. 30,425   Reg. No. 40,425   Reg	· -			
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Blackburn, Murrell W.   Reg. No. 50,881   McDonald, Daniel W.   Reg. No. 20,2044			_	
Bortolotti, Rebecea Branch, John W. Reg. No. 51,488 Branch, John W. Reg. No. 41,633 Branch, John W. Reg. No. 41,633 Brown, Jeffrey C. Reg. No. 34,130 Brown, Jeffrey C. Reg. No. 34,130 Brues, Steven C. Reg. No. 34,130 Brues, Steven C. Reg. No. 35,836 Brues, John E. Reg. No. 35,836 Brues, John E. Reg. No. 30,247 Britiss, Steven C. Reg. No. 34,858 Reg. No. 25,968 Qualey, Terry Reg. No. 43,858 Daignault, Ronald A. Reg. No. 52,968 Qualey, Terry Reg. No. 43,858 Daignault, Ronald A. Reg. No. 34,994 Randall, Joshua N. Reg. No. 50,719 Daley, William J. Reg. No. 52,471 Reich, John C. Reg. No. 37,703 Britiss, Steven C. Reg. No. 39,944 Reiland, Earl D. Reg. No. 37,703 Reg. No. 28,707 Schmaltz, David G. Reg. No. 39,828 Doscotch, Matthew A. Reg. No. 48,957 Schuman, Mark D. Reg. No. 39,828 Doscotch, Matthew A. Reg. No. 39,667 Schumann, Michael D. Reg. No. 30,422 Expp Ryan, Sandra Reg. No. 39,667 Schumann, Michael D. Reg. No. 30,422 Schumann, Michael D. Reg. No. 30,422 Schumann, Michael D. Reg. No. 30,422 Schumann, Michael D. Reg. No. 31,197 Sebald, Gregory A. Reg. No. 39,667 Schult, Timothy B. Reg. No. 42,137 Sebald, Gregory A. Reg. No. 42,137 Sebald, Gregory A. Reg. No. 42,137 Sebald, Gregory A. Reg. No. 49,914 Sebald, Gregory A. Reg. No. 49,914 Sebald, Gregory A. Reg. No. 41,125 Stewart, Alan R. Reg. No. 41,125 Stewart, Alan R. Reg. No. 41,126 Stewart, Alan R. Reg. No. 41,126 Stewart, Alan R. Reg. No. 41,127 Sorge, Keith M. Reg. No. 33,111 Underhill, Albert L. Reg. No. 47,974 William	•		• .	
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Bruess, Steven C.  Reg. No. 34, 130  Parsons, Nancy J.  Reg. No. 40,364  Burke, John E.  Reg. No. 35,836  Pauly, Daniel M.  Reg. No. 40,123  Peterson, Kyle T.  Reg. No. 40,123  Peterson, Kyle T.  Reg. No. 46,989  Peterson, Kyle T.  Reg. No. 46,989  Peterson, Kyle T.  Reg. No. 46,989  Peterson, Kyle T.  Reg. No. 37,206  Parsons, Nanry J.  Reg. No. 30,247  Phillips, John B.  Reg. No. 37,206  Parsons, Nanry J.  Reg. No. 30,247  Phillips, John B.  Reg. No. 37,206  Reg. No. 34,984  Randall, Joshua N.  Reg. No. 25,148  Daley, Dennis R.  Reg. No. 34,994  Randall, Joshua N.  Reg. No. 50,719  Baulton, Julie R.  Peterson, Kyle T.  Reg. No. 25,147  Reich, John C.  Reg. No. 37,703  Peterson, Kyle T.  Reg. No. 25,148  Reg. No. 36,414  Reiland, Earl D.  Reg. No. 25,767  Reg. No. 25,767  Roath, Paul D.  Reg. No. 25,767  Schmaltz, David G.  Reg. No. 43,955  Schman, Mark D.  Reg. No. 39,828  Epp Ryan, Sandra  Reg. No. 20,187  Echell, Robert T.  Reg. No. 20,187  Echell, Robert T.  Reg. No. 39,667  Scull, Timothy B.  Reg. No. 30,422  Epp Ryan, Sandra  Reg. No. 30,628  Scall, Timothy B.  Reg. No. 33,280  Reg. No. 33,280  Reg. No. 33,280  Reg. No. 44,125  Gorgin, Matthew J.  Reg. No. 46,172  Schuman, Michael D.  Reg. No. 33,280  Reg. No. 47,971  Schald, Gregory A.  Reg. No. 33,280  Reg. No. 40,178  Reg. No. 47,974  Schulthew M.  Reg. No. 46,125  Stewart, Alan R.  Reg. No. 47,974  Golda, Charles E.  Reg. No. 48,125  Stewart, Alan R.  Reg. No. 47,974  Golda, Charles E.  Reg. No. 48,125  Stewart, Alan R.  Reg. No. 47,974  Reich, John D.  Reg. No. 31,147  Reich, John D.  Reg. No. 48,125  Reg. No. 41,125  Swenson, Erik G.  Reg. No. 47,914  Red. No. 31,147  Red. No. 31,142  Reg. No. 41,145  Swenson, Erik G.  Reg. No. 47,914  Red. No. 31,144  Relland, Earl D.  Reg. No. 47,147  Reich, John D.  Reg. No. 41,145  Stewart, Alan R.  Reg. No. 47,147  Reich, John D.  Reg. No. 41,145  Stewart, Alan R.  Reg. No. 47,914  Reg. No. 48,153  Reg. No. 48,153  Reg. No. 48,154  Reg. No. 49,154  Reg. No. 49,154  Reg. No. 49,154  Reg. No. 49,154  Reg. No. 41			The state of the s	·
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Byrne, Linda M.  Reg. No. 32,404  Reg. No. 32,404  Reg. No. 30,247  Phillips, John B.  Reg. No. 37,206  Cook, Jeffrey  Reg. No. 48,649  Phillips, John B.  Reg. No. 43,858  Daignault, Ronald A.  Reg. No. 52,968  Daley, Dennis R.  Reg. No. 52,968  Daley, Dennis R.  Reg. No. 52,471  Rej. No. 52,471  Rej. No. 50,414  Relland, Earl D.  Reg. No. 52,767  Daulton, Julie R.  Pevries Smith, Katherine M.  Reg. No. 48,597  DiPietro, Mark J.  Reg. No. 48,957  Schumaltz, David G.  Reg. No. 37,703  Reg. No. 48,957  Schuman, Mark D.  Reg. No. 39,828  Edell, Robert T.  Reg. No. 20,187  Schuman, Mark D.  Reg. No. 30,422  Epp Ryan, Sandra  Reg. No. 50,417  Schuman, Mark D.  Reg. No. 30,422  Epp Ryan, Sandra  Reg. No. 50,470  Schuman, Mark D.  Reg. No. 42,157  Schuman, Mark D.  Reg. No. 42,157  Schuman, Mark D.  Reg. No. 42,157  Schuman, Mark D.  Reg. No. 30,422  Reg. No. 46,717  Schumatin, Michael D.  Reg. No. 42,157  Schumatin, Michael D.  Reg. No. 40,178  Reg. No. 44,125  Skoog, Mark T.  Reg. No. 40,178  Gaffiney, Matthew M.  Reg. No. 46,717  Sorge, Keith M.  Reg. No. 40,178  Stewart, Alan R.  Reg. No. 47,974  Golla, Charles E.  Reg. No. 44,722  Swenson, Erik G.  Reg. No. 43,164  Gorman, Alan G.  Reg. No. 38,472  Swenson, Erik G.  Reg. No. 33,414  Reg. No. 41,422  Swenson, Erik G.  Reg. No. 33,414  Reg. No. 45,164  Termbath, Jon R.  Reg. No. 33,414  Reg. No. 45,164  Reg. No. 47,981  Reg. No. 45,117  Sorge, Keith M.  Reg. No. 47,981  Reg. No. 48,982  Reg. No. 48,982  Reg. No. 48,982  Reg. No. 48,982  Reg. No. 48,983  Reg. No. 48,983  Reg. No. 48,983  Reg. No. 41,484  Reg. No. 47,981  Reg. No. 48,981  Reg. No. 48,982  Reg. No. 48,982  Reg. No. 49,982  Reg. No. 49,981  Reg. No. 47,299  Reg. No. 48,982  Reg. No. 49,981  Reg. No. 47,299  Reg. No. 48,982  Reg. No. 49,981  Reg. No. 49,981  Reg. No. 49,981  Reg. No. 49				
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Gaffney, Matthew M.		Reg. No. 37,628	Skoog, Mark T.	Reg. No. 40,178
Goggin, Matthew J.         Reg. No. 44,125         Stewart, Alan R.         Reg. No. 47,974           Golla, Charles E.         Reg. No. 26,896         Stoll-DeBell, Kirstin L.         Reg. No. 43,164           Gorman, Alan G.         Reg. No. 38,472         Sullivan, Timothy         Reg. No. 47,981           Gotfredson, Garen J.         Reg. No. 44,722         Swenson, Erik G.         Reg. No. 45,147           Gould, John D.         Reg. No. 18,223         Tellekson, David K.         Reg. No. 32,314           Gresson, Richard         Reg. No. 41,804         Trembath, Jon R.         Reg. No. 32,314           Gresens, John J.         Reg. No. 36,154         Vidovich, Kristin K.         Reg. No. 27,403           Haack, John L.         Reg. No. 36,154         Vidovich, Kristin K.         Reg. No. 33,044           Hamre, Curtis B.         Reg. No. 29,165         Wahl, John R.         Reg. No. 33,044           Hennings, Mark         Reg. No. 48,982         Welter, Paul A.         Reg. No. 20,890           Hertzberg, Brett A.         Reg. No. 44,7660         Wiegand, Jamie         Reg. No. 52,361           Hillson, Randall A.         Reg. No. 13,838         Wier, David D.         Reg. No. 20,890           Hope, Leonard J.         Reg. No. 47,299         Withers, James D.         Reg. No. 49,272           Hornsby, III,		Reg. No. 46,717	Sorge, Keith M.	Reg. No. 50,865
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Gotfredson, Garen J. Reg. No. 44,722 Swenson, Erik G. Reg. No. 45,147 Gould, John D. Reg. No. 18,223 Tellekson, David K. Reg. No. 32,314 Gregson, Richard Reg. No. 41,804 Trembath, Jon R. Reg. No. 38,344 Gresens, John J. Reg. No. 33,112 Underhill, Albert L. Reg. No. 27,403 Haack, John L. Reg. No. 36,154 Vidovich, Kristin K. Reg. No. 41,448 Hamre, Curtis B. Reg. No. 29,165 Wahl, John R. Reg. No. 33,044 Hennings, Mark Reg. No. 48,982 Welter, Paul A. Reg. No. 20,890 Hertzberg, Brett A. Reg. No. 44,660 Wiegand, Jamie Reg. No. 52,361 Hillson, Randall A. Reg. No. 31,838 Wier, David D. Reg. No. 48,229 Hope, Leonard J. Reg. No. 44,774 Williams, Douglas J. Reg. No. 48,229 Hornsby, III, Alton Reg. No. 47,299 Withers, James D. Reg. No. 40,270 Jacobson, Charles A. Reg. No. 53,061 Wong, Bryan A. Reg. No. 50,836 Johns, Nicholas P. Reg. No. 48,995 Xia, Tim Tingkang Reg. No. 50,836 Johns, Nicholas P. Reg. No. 39,721 Zeuli, Anthony R. Reg. No. 45,242 Johnston, Scott W. Reg. No. 53,108 Kettelberger, Denise Reg. No. 51,894 Ketys, Jeramie J. Reg. No. 42,724 Knearl, Homer L. Reg. No. 51,894 Kowalchyk, Alan W. Reg. No. 51,894 Kowalchyk, Katherine M. Reg. No. 36,848 Lamberty, Michael Reg. No. 50,760 Larson, James A. Reg. No. 40,443			Sullivan, Timothy	Reg. No. 47,981
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Gregson, Richard Gresens, John J. Haack, John L. Reg. No. 33,112 Haack, John L. Reg. No. 36,154 Hamre, Curtis B. Hennings, Mark Hennings, Mark Hertzberg, Brett A. Hope, Leonard J. Hope, Leonard J. Hope, Leonard J. Hope, Leonard J. Hornsby, III, Alton Jacobson, Charles A. Johns, Nicholas P. Johnston, Scott W. Reg. No. 48,995 Reg. No. 39,721 Kalinsky, Robert A. Reg. No. 53,108 Kettelberger, Denise Reg. No. 53,894 Keys, Jeramie J. Reg. No. 42,724 Knearl, Homer L. Reg. No. 53,684 Lamberty, Michael Larson, James A. Reg. No. 50,760 Larson, James A. Reg. No. 50,760 Larson, James A. Reg. No. 36,848 Lamberty, Michael Larson, James A. Reg. No. 40,443 Reg. No. 40,443 Reg. No. 40,443		Reg. No. 18,223	Tellekson, David K.	Reg. No. 32,314
Gresens, John J.  Reg. No. 33,112  Haack, John L.  Reg. No. 36,154  Hamre, Curtis B.  Reg. No. 29,165  Hennings, Mark  Hennings, Mark  Reg. No. 48,982  Hertzberg, Brett A.  Reg. No. 42,660  Hillson, Randall A.  Reg. No. 31,838  Hope, Leonard J.  Reg. No. 44,774  Homsby, III, Alton  Reg. No. 47,299  Hornsby, III, Alton  Reg. No. 53,061  Johns, Nicholas P.  Reg. No. 53,061  Johns, Nicholas P.  Reg. No. 48,995  Johnston, Scott W.  Kalinsky, Robert A.  Reg. No. 53,108  Kettelberger, Denise  Reg. No. 33,924  Keys, Jeramie J.  Reg. No. 42,724  Knearl, Homer L.  Korver, Joshua W.  Kowalchyk, Alan W.  Reg. No. 36,848  Lamberty, Michael  Larson, James A.  Reg. No. 40,443		<del>-</del>	Trembath, Jon R.	Reg. No. 38,344
Haack, John L.  Reg. No. 36,154  Hamre, Curtis B.  Reg. No. 29,165  Hennings, Mark  Reg. No. 48,982  Hertzberg, Brett A.  Reg. No. 42,660  Hillson, Randall A.  Reg. No. 31,838  Hope, Leonard J.  Hornsby, III, Alton  Reg. No. 47,299  Jacobson, Charles A.  Reg. No. 53,061  Johns, Nicholas P.  Reg. No. 48,995  Johnston, Scott W.  Reg. No. 39,721  Kelly, Zachary J.  Reg. No. 50,471  Kelly, Zachary J.  Reg. No. 51,894  Kowalchyk, Alan W.  Reg. No. 36,848  Lamberty, Michael  Larson, James A.  Reg. No. 40,443  Vidovich, Kristin K.  Reg. No. 43,044  Wahl, John R.  Reg. No. 23,044  Wahl, John R.  Reg. No. 23,040  Welter, Paul A.  Reg. No. 20,890  Welter, Paul A.  Reg. No. 20,890  Wiegand, Jamie  Reg. No. 22,361  Williams, Douglas J.  Reg. No. 42,729  Withers, James D.  Reg. No. 40,376  Wong, Bryan A.  Reg. No. 40,376  Reg. No. 53,061  Wong, Bryan A.  Reg. No. 45,242  Johnston, Scott W.  Reg. No. 39,721  Zeuli, Anthony R.  Reg. No. 45,255  Kalinsky, Robert A.  Reg. No. 33,924  Keys, Jeramie J.  Korver, Joshua W.  Reg. No. 51,894  Kowalchyk, Katherine M.  Reg. No. 36,848  Lamberty, Michael  Reg. No. 40,443		<del></del>	Underhill, Albert L.	Reg. No. 27,403
Hamre, Curtis B.  Reg. No. 29,165  Wahl, John R.  Reg. No. 33,044  Hennings, Mark  Reg. No. 48,982  Welter, Paul A.  Reg. No. 20,890  Hertzberg, Brett A.  Reg. No. 31,838  Wier, David D.  Reg. No. 48,229  Hope, Leonard J.  Hornsby, III, Alton  Jacobson, Charles A.  Johns, Nicholas P.  Reg. No. 33,061  Wong, Bryan A.  Reg. No. 48,995  Kalinsky, Robert A.  Reg. No. 39,721  Kettleberger, Denise  Reg. No. 33,108  Kettleberger, Denise  Reg. No. 33,108  Kettleberger, Denise  Reg. No. 42,724  Knearl, Homer L.  Korver, Joshua W.  Reg. No. 31,535  Kowalchyk, Alan W.  Reg. No. 36,848  Lamberty, Michael  Reg. No. 40,443		•	Vidovich, Kristin K.	Reg. No. 41,448
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Hertzberg, Brett A.  Reg. No. 42,660  Hillson, Randall A.  Reg. No. 31,838  Hope, Leonard J.  Hornsby, III, Alton  Jacobson, Charles A.  Johns, Nicholas P.  Johnston, Scott W.  Kelly, Zachary J.  Kettlelberger, Denise  Reg. No. 33,924  Keys, Jeramie J.  Korver, Joshua W.  Kowalchyk, Alan W.  Kowalchyk, Katherine M.  Lamberty, Michael  Larson, James A.  Reg. No. 42,660  Wiegand, Jamie  Reg. No. 52,361  Wiegand, Jamie  Reg. No. 52,361  Wiegand, Jamie  Reg. No. 52,361  Wiegand, Jamie  Reg. No. 48,229  Wier, David D.  Reg. No. 40,376  Reg. No. 40,376  Williams, Douglas J.  Reg. No. 40,376  Reg. No. 40,376  Wong, Bryan A.  Reg. No. 50,836  Wong, Bryan A.  Reg. No. 50,836  Reg. No. 45,242  Zeuli, Anthony R.  Reg. No. 45,242  Zeuli, Anthony R.  Reg. No. 45,255				Reg. No. 20,890
Hillson, Randall A. Reg. No. 31,838 Wier, David D. Reg. No. 48,229 Hope, Leonard J. Reg. No. 44,774 Williams, Douglas J. Reg. No. 27,054 Hornsby, III, Alton Reg. No. 47,299 Withers, James D. Reg. No. 40,376 Jacobson, Charles A. Reg. No. 53,061 Wong, Bryan A. Reg. No. 50,836 Johns, Nicholas P. Reg. No. 48,995 Xia, Tim Tingkang Reg. No. 45,242 Johnston, Scott W. Reg. No. 39,721 Zeuli, Anthony R. Reg. No. 45,242 Kalinsky, Robert A. Reg. No. 50,471 Kelly, Zachary J. Reg. No. 53,108 Kettelberger, Denise Reg. No. 33,924 Keys, Jeramie J. Reg. No. 21,197 Korver, Joshua W. Reg. No. 51,894 Kowalchyk, Alan W. Reg. No. 31,535 Kowalchyk, Katherine M. Reg. No. 36,848 Lamberty, Michael Reg. No. 40,443			· · · · · · · · · · · · · · · · · · ·	Reg. No. 52,361
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Johnston, Scott W.  Reg. No. 39,721  Zeuli, Anthony R.  Reg. No. 45,255  Reg. No. 45,255  Reg. No. 50,471  Relly, Zachary J.  Reg. No. 53,108  Rettelberger, Denise  Reg. No. 33,924  Reys, Jeramie J.  Reg. No. 21,197  Rorver, Joshua W.  Reg. No. 51,894  Kowalchyk, Alan W.  Reg. No. 31,535  Rowalchyk, Katherine M.  Lamberty, Michael  Larson, James A.  Reg. No. 40,443				
Kalinsky, Robert A.  Kelly, Zachary J.  Ketlelberger, Denise Reg. No. 53,108  Keys, Jeramie J.  Knearl, Homer L.  Korver, Joshua W.  Kowalchyk, Alan W.  Kowalchyk, Katherine M.  Lamberty, Michael Larson, James A.  Reg. No. 50,471  Reg. No. 53,108  Reg. No. 23,924  Reg. No. 21,197  Reg. No. 51,894  Reg. No. 31,535  Rowalchyk, Katherine M.  Reg. No. 36,848  Reg. No. 50,760  Reg. No. 40,443	•			•
Kelly, Zachary J.  Ketly, Zachary J.  Reg. No. 53,108  Reg. No. 33,924  Keys, Jeramie J.  Reg. No. 42,724  Knearl, Homer L.  Reg. No. 21,197  Korver, Joshua W.  Reg. No. 51,894  Kowalchyk, Alan W.  Reg. No. 31,535  Kowalchyk, Katherine M.  Reg. No. 36,848  Lamberty, Michael  Larson, James A.  Reg. No. 40,443	•		,	,
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	Larson, James A.	106.110.10,110		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903 23552
PATENT TRADEMARK OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name EMSTAD	First Given Name ERIK		Second Given Name E.
0	Residence & Citizenship	City ST. PAUL	State or Foreign Country MINNESOTA		Country of Citizenship USA
1	Mailing Address	Address 456 WHEELER/STREET	City ST. PAUL		State & Zip Code/Country MINNESOTA 55104/USA
Sign	ature of Inventor 2	01:		Date:	7-oct-03
2	Full Name Of Inventor	Family Name ROBBINS	First Given Name DANIEL		Second Given Name
0	Residence & Citizenship	City NORTH BENNINGTON	State or Foreign Country VERMONT		Country of Citizenship USA
2	Mailing Address	Address 527 WEST STREET	City NORTH BENNINGTON		State & Zip Code/Country VERMONT 05257/USA
Sign	nature of Inventor 2	02:		Date:	